DECLARATION AND POWER OF ATTORNEY

named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"METHO!	D AND X-RAY SYSTE	M FOR DETECTING POSITION IMPLANT"	CHANGES OF A MEDICAL
Case No. <u>P04,0140</u> , t	he specification of which	1	
(che one	eck	s attached hereto. vas filed on, as Application Serial No nd was amended on if applicable)	
I hereby statincluding the claims a	te that I have reviewed s amended by any amen	and understand the contents of the diment referred to above.	ne above identified specification
I acknowledge to be material to the 1.56(a).	ge the duty to disclose to patentability of this ap	the United States Patent Office all in plication in accordance with Title 3	nformation which is known to me 37, Code of Federal Regulations
before my or our inve- our invention thereof in the United States of been patented or mad country foreign to the more than twelve more invention has been file legal representatives of	ntion thereof, or patente or more than one year p f America more than one de the subject of an in- United States of America ths prior to this applica ed in any country foreign r assigns, except as iden m foreign priority benefit	is invention was ever known or used or described in any printed publication to this application, that the same year prior to this application, and I ventor's certificate issued before the a on an application filed by me or nation, and that no application for paternation to the United States of America printified below:	ation in any country before my one was not in public use or on sale believe that the invention has not be date of this application in any legal representatives or assignment or inventor's certificate on this or to this application by me or my
Prior Foreign	Application(s)		
Number 103 16 558	.4	Country Germany	Date April 10, 2003
and have also identifice that of the above listed	ed below any foreign app l application on which p	plication for patent or inventor's cert riority is claimed:	ificate having a filing date before
Prior Foreign Number	Application(s)	Country	Date
(b) Under this section, in	oformation is material to pater	ntability when it is not cumulative to inform	ation already of record or being made o

⁽¹⁾ It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

⁽²⁾ It refutes, or is inconsistent with, a position the applicant takes in:

⁽i) Opposing an argument of unpatentability relied on by the Office, or

⁽ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

Prior Foreign Application(s) Number

Country

Date

And I hereby appoint all attorneys identified by United States Patent & Trademark Office Customer Number 26574, who are all members of the firm Schiff Hardin LLP

Telephone 312/-258-5500 Patent Department

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Schiff Hardin LLP Attn: Patent Department

6600 Sears Tower, Chicago, Illinois 60606 -6473 Customer Number 26574

Full name of sole or first inventor:	CHRISTIAN GEORG	
Inventor's signature: Residence: Citizenship: Post Office Address:	Fronhausen, Germany Germany Kantstraße, 23	
Full name of second joint inventor, (If any):	JOACHIM HORNEGGER	
Inventor's signature: Residence: Citizenship: Post Office Address:	Möhrendorf, Germany	
Full name of third joint inventor, (If any): Inventor's signature: Residence: Citizenship: Post Office Address:	KLAUS JOCHEN KLOSE Clowy J. Close Fronhausen, Germany Germany Lerchenweg 2 35112 Fronhausen, Germany	
Full name of fourth joint inventor, (If any):	VOLKMAR WELKER	
Inventor's signature: Residence: Citizenship: Post Office Address:	Kirchhain, Germany	

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"METHOD AND X-RAY SYSTEM FOR DETECTING POSITION CHANGES OF A MEDICAL

	IMPLANT"	
Case No. <u>P04,0140</u> , the specification of which	h	
(check	s attached hereto. was filed on, as Application Serial No and was amended on if applicable)	
I hereby state that I have reviewed including the claims as amended by any amen	d and understand the contents of the diment referred to above.	ne above identified specification,
I acknowledge the duty to disclose to be material to the patentability of this ap 1.56(a).	o the United States Patent Office all application in accordance with Title	nformation which is known to me 37, Code of Federal Regulations,
I do not know and do not believe the before my or our invention thereof, or patents our invention thereof or more than one year print the United States of America more than one been patented or made the subject of an incountry foreign to the United States of America more than twelve months prior to this application invention has been filed in any country foreign legal representatives or assigns, except as identificated inventor inventor's certificate listed below	ed or described in any printed public prior to this application, that the same e year prior to this application, and I ventor's certificate issued before the ca on an application filed by me or re- tion, and that no application for pate in to the United States of America printified below:	ation in any country before my or e was not in public use or on sale believe that the invention has not e date of this application in any ny legal representatives or assigns ent or inventor's certificate on this or to this application by me or my
Prior Foreign Application(s) Number	Country	Date
103 16 558.4	Germany	April 10, 2003
and have also identified below any foreign ap that of the above listed application on which p	plication for patent or inventor's cerriority is claimed:	tificate having a filing date before
Prior Foreign Application(s) Number	Country	Date
(b) Under this section, information is material to pate record in the application, and (1) It establishes, by itself or in combination w (2) It refutes, or is inconsistent with, a position	vith other information, a prima facie case of u	

гес

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6600 Sears Tower, Chicago, Illinois 60606 -6473 Customer Number 26574

CHRISTIAN GEORG	·
Fronhausen, Germany Germany Kantstraße 23	
JOACHIM HORNEGGER	
Möhrendorf, Germany Germany An der Marter 10	
KLAUS JOCHEN KLOSE	
Fronhausen, Germany Germany Lerchenweg 2	
VOLKMAR WELKER	
Kirchhain, Germany Germany	
	Fronhausen, Germany Germany Kantstraße 23 35112 Fronhausen, Germany JOACHIM HORNEGGER Möhrendorf, Germany Germany An der Marter 10 91096 Möhrendorf, Germany KLAUS JOCHEN KLOSE Fronhausen, Germany Germany Lerchenweg 2 35112 Fronhausen, Germany VOLKMAR WELKER Kirchhain, Germany Germany Zimmerplatzweg 10

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Case No. <u>P04,0140</u>	the specification	of which		
	heck	is attached hereto. was filed on, as Application Serial No. and was amended on _ (if applicable)		
I hereby s including the claims	tate that I have r as amended by ar	eviewed and understand the ny amendment referred to abo	contents of the above identified speve.	cification,
I acknowle to be material to th 1.56(a).	dge the duty to dis e patentability of	sclose to the United States Pat this application in accordan	tent Office all information which is kno ce with Title 37, Code of Federal Re	own to megulations,
perfore my or our in- bur invention thereous in the United States been patented or m country foreign to the more than twelve m nvention has been f egal representatives	rention thereof, or f or more than on of America more ade the subject of the United States of the United States of the United in any country or assigns, exceptions.	patented or described in any eyear prior to this application than one year prior to this application on inventor's certificate is a America on an application of application, and that no apply foreign to the United States as identified below:	known or used in the United States of printed publication in any country befin, that the same was not in public use plication, and I believe that the invention sued before the date of this application illed by me or my legal representatives of ication for patent or inventor's certification for patent or this application by	ore my or or on sale on has not on in any or assigns ate on this me or my
l hereby cla patent or inventor's o	am foreign priorit ertificate listed be	y benefits under Title 35, Un elow	ited States, 119 of any foreign applicat	tion(s) for
Prior Foreig Number	gn Application(s)	Country	Date	
103 16 55	8.4	Germany	April 10, 2003	
nd have also identi hat of the above list	fied below any for ed application on	eign application for patent or which priority is claimed:	inventor's certificate having a filing da	ate before
Prior Foreig Number	gn Application(s)	Country	Date	
(b) Under this section	information is materi	al to patentability when it is not cur	nulative to information already of record or bei	ing made of

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6600 Sears Tower, Chicago, Illinois 60606 -6473 Customer Number 26574

Full name of sole or first inventor:	CHRISTIAN GEORG		-
Inventor's signature: Residence: Citizenship: Post Office Address:	Fronhausen, Germany Germany Kantstraße 23 35112 Fronhausen, Germany		
Full name of second joint inventor,			
(If any):	JOACHIM HORNEGGER		
Inventor's signature: Residence: Citizenship: Post Office Address:	Möhrendorf, Gefmany Germany An der Marter 10 91096 Möhrendorf, Germany		19-4-04
Full name of third joint inventor, (If any):	KLAUS JOCHEN KLOSE		
Inventor's signature: Residence: Citizenship: Post Office Address:	Fronhausen, Germany Germany Lerchenweg 2 35112 Fronhausen, Germany		
Full name of fourth joint inventor, (If any):	VOLKMAR WELKER		
Inventor's signature: Residence: Citizenship:	Kirchhain, Germany Germany	Date:	
Post Office Address:	Zimmerplatzweg 10 35274 Kirchhain, Germany		

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(check one)	is attached hereto. was filed on, as Application Serial No and was amended on (if applicable)	·
I hereby state that I have reincluding the claims as amended by an	eviewed and understand the or y amendment referred to above	contents of the above identified specification e.
I acknowledge the duty to dis to be material to the patentability of 1.56(a).	close to the United States Pate this application in accordance	nt Office all information which is known to me with Title 37, Code of Federal Regulations
before my or our invention thereof, or our invention thereof or more than one in the United States of America more the been patented or made the subject of country foreign to the United States of more than twelve months prior to this invention has been filed in any country legal representatives or assigns, except	patented or described in any per year prior to this application, than one year prior to this applif an inventor's certificate issued America on an application file application, and that no application foreign to the United States of as identified below: The property of the United States of the United	cnown or used in the United States of Americal printed publication in any country before my country and I believe that the invention has not be defore the date of this application in an end by me or my legal representatives or assign that it is application for patent or inventor's certificate on this formation and the formation of the samplication by me or my ded States, 119 of any foreign application(s) for
Prior Foreign Application(s) Number		.
103 16 558.4	Country Germany	Date April 10, 2003
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Inventor's signature: Residence: Citizenship: Post Office Address:	Mirchhain, Germany Germany Zimmerplatzweg 10 35274 Kirchhain, Germany